

Message Text

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ACTION SCI-06

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NSAE-00 NSC-07 RSC-01 FEA-02 DODE-00 PM-07 H-03 PA-04

PRS-01 SP-03 SS-20 USIA-15 DRC-01 EUR-25 /153 W

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R 090855Z MAY 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4329

INFO AEC GERMANTOWN

AMEMBASSY BANGKOK

AMEMBASSY TOKYO

UNCLAS IAEA VIENNA 4111

E.O. 11652: N/A

TAGS: IAEA, TECH, TH, US

SUBJECT: ATOMIC ENERGY AGREEMENTS

REF: A. STATE A-3555; B. STATE A-1212, 2/8/73

1. THAI AMBASSADOR HAS NOTIFIED IAEA THAT HE HAS BEEN AUTHORIZED TO SIGN THAILAND/IAEA NPT SAFEGUARDS AGREEMENT AND US/IAEA/THAILAND PROTOCOL SUSPENDING EXISTING TRILATERAL SAFEGUARDS TRANSFER AGREEMENT. SIGNING CEREMONY HAS BEEN SCHEDULED FOR 10 A.M. ON MONDAY, MAY 13, 1974, IN DG'S OFFICE. MISSION WILL ARRANGE FOR EXCHANGE OF NOTES SUSPENDING SAFEGUARDS UNDER US/THAILAND BILATERAL AGREEMENT AT SAME TIME.

2. REQUEST PORTER BE INFORMED OF FOREGOING.

3. MISSION WISHES DRAW ATTENTION TO UNUSUAL AND COMPLICATED SITUATION THAT WILL BE CREATED AT SUCH TIME AS SUPERSEDING BILATERAL AGREEMENT FOR COOPERATION (REF A) ENTERS INTO FORCE:

A. EXISTING TRILATERAL IS OF OLD STYLE, WHICH HAS
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SPECIFIC EXPIRATION DATE OF MARCH 5, 1975. (MISSION

ASSUMES WE WOULD LET THIS AGREEMENT LAPSE, AS IN CASES OF SIMILAR TRILATERALS WITH GREECE AND VIET NAM).

B. PROTOCOL TO BE SIGNED NEXT WEEK WILL NOT RPT NOT ONLY SUSPEND FOREGOING TRILATERAL AND PROVIDE FOR APPLICATION OF IAEA SAFEGUARDS UNDER THAILAND/IAEA NPT SAFEGUARDS AGREEMENT, BUT WILL ALSO CONTAIN PROVISION TIED SPECIFICALLY TO "GUARANTEES" ARTICLE VII OF EXISTING BILATERAL, WITH RESPECT TO OBLIGATIONS OF THAILAND IN EVENT THAILAND INTENDS TO EXERCISE DISCRETION PROVIDED IN ARTICLE 14 OF ITS NPT SAFEGUARDS AGREEMENT.

C. NOTES TO BE EXCHANGED NEXT WEEK IS LIKEWISE TIED TO SPECIFIC ARTICLES OF EXISTING BILATERAL AGREEMENT FOR COOPERATION.

D. QUESTION IS, WHAT HAPPENS WHEN EXISTING BILATERAL IS SUPERSEDED BY NEW BILATERAL?

4. AS WE SEE IT, NEW PROTOCOL AND NEW EXCHANGE OF NOTES WOULD SEEM TO BE REQUIRED, IN ORDER TO TIE THEM TO SUPERSEDING BILATERAL. BUT WE SEE NO RPT NO POINT IN KEEPING SUSPENDED TRILATERAL (WHICH IS DUE TO EXPIRE NEXT MARCH ANYWAY) "ALIVE", SINCE IT WOULD BE TIED TO SUPERSEDED AND NOT RPT NOT TO NEW BILATERAL. ACCORDINGLY, WE SUGGEST THAT NEW PROTOCOL ALSO TERMINATE (RATHER THAN CONTINUE SUSPENSION OF TRILATERAL) IN ACCORDANCE WITH SECTION 27 OF TRILATERAL.

5. MISSION CONSIDERED POSSIBILITY OF TRYING TO DEVISE NEW LANGUAGE FOR PROTOCOL AND EXCHANGE OF NOTES TO BE SIGNED NEXT WEEK, IN ORDER TO AVOID NEED FOR SUBSEQUENT INSTRUMENTS, BUT WE CONCLUDED THAT IT WOULD BE UNWISE TO RISK DELAYING SIGNATURE OF THAILAND/IAEA NPT SAFEGUARDS AGREEMENT AS CONSEQUENCE.

6. MISSION WOULD APPRECIATE GUIDANCE FROM DEPT/AEC ON FOREGOING PROBLEM.LABOWITZ

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